

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE:)
AT&T ACCESS CHARGE LITIGATION)
) Civil Action No. 05-CV-05858 (MLC)
)
) **DECLARATION OF ERIC J.**
) **BRANFMAN IN SUPPORT OF**
) **MOTION FOR PARTIAL**
) **SUMMARY JUDGMENT ON**
) **COUNT I (BREACH OF FEDERAL**
) **TARIFFS) AND COUNT II**
) **(BREACH OF STATE TARIFFS)**
)
)

I, Eric J. Branfman, do hereby declare:

1. I am a partner at the law firm Bingham McCutchen LLP and counsel for the Plaintiffs in this matter (except for Plaintiff Valor Telecommunications Of Texas, LP and Kerrville Telephone, LP). I make this declaration in support of Plaintiffs' Motion for Partial Summary Judgment.
2. Attached to this declaration as Exhibit 1 is a true and correct copy of AT&T's October 18, 2002 petition for declaratory ruling filed with the FCC and captioned *Petition for Declaratory Ruling That AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket No. 02-361 (FCC filed Oct. 18., 2002).
3. Attached to this declaration as Exhibit 2 is a true and correct copy of relevant excerpts from AT&T's February 20, 2004 *Ex Parte* Memorandum, filed in WC Docket No. 02-361.
4. Attached to this declaration as Exhibit 3 is a true and correct copy of relevant excerpts from the transcript of the May 31, 2006 Case Management Conference.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 23, 2006



Eric J. Branfman

District of Columbia : SS
Subscribed and Sworn to before me, in my presence,
this 23rd day of June, 2006

Pauline Headley
Notary Public, D.C.
My commission expires Jan. 14, 2011

